

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: CZ#3415 and Misc#03005

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: Increase and amend the fees for zoning and subdivision applications and amend the procedures in processing zoning and subdivision applications.

CONCLUSION: The increase in the fees will not have a significant impact on the cost of housing and development, but it will assist in reducing the cost to the general taxpayers. The amendments to the procedures will significantly reduce the time in processing projects, which will be a benefit to developers. The simplified procedures will allow staff to focus its' efforts on more substantive planning issues.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Land Subdivision Ordinance Title 26 of the LMC: sections 26.11.015 Administrative Plat, 26.11.017 Action on Administrative Plat, 26.11.020 Filing Preliminary Plat With Planning Director, 26.11.037 Commission Action on Preliminary Plat, 26.11.038 Authority to Proceed With Improvements, 26.11.050 Filing Final Plat, 26.11.060 Action Required on Final Plat, 26.11.070 Final Plat Filed With Register of Deeds, 26.11.130 Survey Errors, 26.15.020 Information on or Accompanying a Preliminary Plat, and 26.19.035 Additional Information Required, and Chapter 26.33 Fees.

Zoning Ordinance Title 27 of the LMC sections 27.27.030 Permitted Special Uses-O-3, 27.28.040 Permitted Special Uses -R-T, 27.31.050 Permitted Special Uses- B-2, 27.37.030 Permitted Special Uses-B-5 and 27.68.090 Application Requirements for Personal Wireless Facilities and Chapter 27.80 Fees.

ANALYSIS:

The development community has indicated that the time it takes to process and review projects is excessive. In response, the Planning Staff has allowed developers to take advantage of existing procedures that allow subdivisions associated with a community unit plan to save steps and reduce timeframes. The proposed amendments would expand the scope of expedited review to most other subdivision applications.

The proposed amendments to the subdivision procedures will no longer require that preliminary plats go on to the City Council, unless there are waivers that are not supported by the City Staff or the decision of the Planning Commission is appealed. This will reduce the processing time by approximately 30 days.

The proposed amendments to the subdivision procedures also will allow the Planning Director to approve all final plats. The present ordinance requires final plats that include streets to be approved by the Planning Commission. This will reduce the processing time by approximately 10 days. The review of final plats is very formal and straight forward. If the final plat conforms to the requirements of the land subdivision ordinance and is consistent with the approved preliminary plat, it must be approved. At this time, final plats that conform to the land subdivision ordinance and preliminary plat are placed on the Planning Commission's consent agenda for approval. At this time, the land subdivision ordinance already allows the Planning Director to approve final plats that do not include additional streets.

The Parks & Recreation Department requested that the landscape plans be submitted with the final plats rather than with the preliminary plat. This allows the landscape plan and surety amount to correspond with the final plat and simplifies the process.

The proposed amendments to the zoning ordinance to eliminate the combined use permit/special permit process will eliminate a complicated process and tracking problem. The present ordinance requires use permits to be changed to a combined use permit/special permit when the applicant requests a special permit in a use permit district (O-3, R-T, B-2 and B-5). It is much simpler to use the present system of issuing a separate special permit like in other districts.

Likewise, the application fee for personal wireless facilities is complicated. Staff currently must keep track of their time, charge it to a \$1,000 deposit, and then return the unused fee to the applicant. Simply setting an application fee will eliminate the time and effort in tracking time and money.

There are additional cost associated with appeals. The proposal is the charge a fee to assist in covering those costs.

The City processes street name changes at no cost to the applicants. Such requests are reviewed by the Public Works & Utilities, Fire, Police, 911 Emergency, Building & Safety and other departments and agencies that deal with addresses. The process includes staff review and preparation of an ordinance and notifying the applicants and property owners of the public hearing by the City Council. The fee would assist in covering those costs.

The proposed increase in fees is intended to keep pace with the goal for cost recovery that was set when fees were last increased four years ago. The increase should not significantly increase the cost of housing and development. At the present time, most

projects are reviewed by numerous departments and agencies including the Public Works & Utilities, Fire, Police, 911 emergency services, Health, LES, Finance and Law Departments and other County, State and Federal agencies. Even with the increase in the fees, the revenue collected would cover a small portion of the Planning Department's cost and none of the costs of the other departments and agencies in processing the applications. Attached is a copy of Director of Planning Marvin Krout's response to a question regarding the increase in fees.

Planning staff also proposes a new fee to cover the costs of the legal notice in the newspaper and mailings for a new public hearing due to the applicant changing the application, postponing the hearing, and/or requesting additional waivers after the initial notice appears in the newspaper. The Planning Department currently has no means to collect additional fees in this situation.

Attached are the proposed amendments in legislative form.

Prepared by:

Ray Hill Planner

DATE: July 24, 2003

APPLICANT: Director of Planning Marvin S. Krout

CONTACT: Ray Hill Planner
Planning Department
555 South 10th Street
Lincoln, Ne
441-6371, rhill@ci.lincoln.ne.us

Marvin S Krout

07/22/03 08:18 AM

To: Rick Krueger

cc: rhill@ci.lincoln.ne.us

Subject: Proposed fee increases

Rick: Ray Hill forwarded your note to me, and I would like to respond directly. By the way, I did return your call from last week, and did not hear back from you -- please let me know if you want to get together to discuss fees and/or any other subject, and I would be glad to do it.

I had asked for information on the history of our application fees as we were preparing our budget for this next fiscal year. As you probably recall, fees were approximately doubled in advance of fiscal year 99-00. City fees in fiscal year 97-98 generated about \$80,000 in revenue. The fee increases were intended to raise another \$76,000, which is 80% (City portion) of the \$95,000 cost of additional staffing that was approved in that same budget. The staffing cost included two new positions in our department, plus a portion of the Health Department budget for their assistance in reviewing applications. If you take \$80,000 plus \$76,000 = \$156,000, and apply a 10% cost of living increase, then we should be generating over \$170,000 this year from City applications.

Looking at the current year (02-03) budget, we have generated just under \$130,000 through 7-14, with just under \$117,000 coming from City applications. I would surmise that City fees will generate about \$130,000 by the end of this year. So we are about \$40,000 behind on the intention of the fee increases from 4 years ago.

I am sure there is still great sensitivity about fees of any kind with members of the development community. But I think you would have to admit that a 25% increase in application fees for zoning and subdivision items will not have a significant effect on housing costs. I would estimate that zoning and subdivision fees might add up to \$15-20 per single family lot today, so the increase would just add \$4-5 per lot to your costs.

I think it's also important to realize that these charges are still a very small proportion of the total costs of processing zoning and subdivision applications. Salary/benefit costs for Ray and Theresa McKinstry and the 5 planners in his division add up to \$323,000 in the proposed budget, which is twice the amount of fees that we expect to generate this year from City and County applications. Add to that the cost of additional staff involved in application review and processing (me, Jean Walker, Steve Henrichsen, and a good portion of the GIS staff time involved in the notification process and map-making), plus the costs of mailing, printing, advertising, supplies and equipment, etc., and the fees probably generate only 20% of our department's actual costs. And then add to that the staff time and miscellaneous costs in other departments, besides Health, who are involved in reviewing zoning and subdivision applications -- in Public Works, Law, and the Clerk's office, to name a few.

When I briefed the two elected boards on our budget last week, one of the Councilmembers noted that in some situations, our proposals to streamline the development review process will reduce our current collections, e.g. we are now routinely waiving the requirement to file and process a preliminary plat on projects for which Community Unit Plans are being processed.

I hope that you are more comfortable with this proposal as a result of this explanation. We did not expect that the fee increases would be of great concern to the development community, and I would hope they will not become another source of debate and delay, especially as they are tied to some further streamlining proposals that should reduce development costs much more significantly than these small fee increases. Again I would be happy to meet with you to discuss this further.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department

Message for Ray Hill

Chapter 26.11

PROCEDURE FOR PROCESSING SUBDIVISIONS

Sections:

- 26.11.010 Subdivision; When Required.
- ~~26.11.015 Administrative Plat.~~
- ~~26.11.017 Action on Administrative Plat.~~
- 26.11.020 Filing Preliminary Plat With Planning Director.
- 26.11.030 Staff Review of Preliminary Plat.
- 26.11.032 Filing Preliminary Plat for Planning Commission Hearing.
- 26.11.033 Modification of Procedures.
- 26.11.036 Hearing on Preliminary Plat.
- 26.11.037 Commission Action on Preliminary Plat.
- 26.11.038 Authority to Proceed With Improvements.
- 26.11.039 Requisites for Final Plat Approval.
- 26.11.040 Installation of Improvements.
- 26.11.050 Filing Final Plat.
- 26.11.060 Action Required on Final Plat.
- 26.11.070 Final Plat Filed With Register of Deeds.
- 26.11.075 Final Plat Amendments. (Repealed)
- 26.11.080 Subdivided Land Included Within Corporate Limits.
- 26.11.090 Storm Drain Responsibilities.
- 26.11.095 Wastewater Collector Responsibilities.
- 26.11.097 Water Main Responsibilities.
- 26.11.100 Subdivision of Land Within Flood Plain.
- 26.11.105 Subdivision of Land Within the Airport Environs District.
- 26.11.110 Responsibilities for Improvements in Collector and Major Streets.
- 26.11.130 Survey Errors/Corrected Plats.
- 26.11.140 Vacation of Plat (Voiding).

26.11.010 Subdivision; When Required.

(a) It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the city, or within three miles of its corporate limits to subdivide land except in accordance with Neb. Rev. Stat. §§15-106 and 15-901 (Reissue 1974) and the provisions of this title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the State of Nebraska, any natural resources district, any county, the city, or any village within the jurisdiction of the city, shall be deemed to have received approval as required by Neb. Rev. Stat. §15-901 (Reissue 1974).

1 This provision shall apply to all such subdivisions occurring both before and after the
2 effective date of this section.

3 (b) The conveyance of portions of abandoned railroad right-of-way by a railroad or
4 a subsequent owner of such right-of-way to abutting property owners shall not be required
5 to comply with the otherwise applicable requirements of this title. Any such conveyance
6 must join the right-of-way to a lot which abuts at least a portion of the conveyed right-of-
7 way. Any such right-of-way so conveyed may not thereafter be separately conveyed or
8 devoted to a separate use without complying with all otherwise applicable requirements for
9 lots within the zoning district in which such right-of-way is situated.

10 (c) The conveyance of portions of property that have been declared surplus by any
11 governmental agency shall not be required to comply with the otherwise applicable
12 requirements of this title. For purposes of this subsection, a governmental agency shall
13 include the federal government, the State of Nebraska, any natural resources district, any
14 county, the City, or any village within the jurisdiction of the City. Any such surplus property
15 so conveyed may not thereafter be separately conveyed or devoted to a separate use
16 without complying with all otherwise applicable requirements for lots within the zoning
17 district in which such surplus property is situated. (Ord. 17696 §1; July 10, 2000; prior Ord.
18 16327 §1; March 15, 1993; Ord. 14471 §1; August 18, 1986; Ord. 12010 §1; June 20,
19 1977; Ord. 11370 §1; May 19, 1975).

20
21 **~~26.11.015 — Administrative Plat.—~~**

22 ~~The Planning Director is hereby empowered to administratively approve the plat of~~
23 ~~a subdivision under the following conditions:~~

24 ~~—— (a) — No new street or private roadway is accepted or needed within the area of~~
25 ~~the new lots, except in the sole discretion of the Planning Director, private roadways which~~
26 ~~will serve only the proposed subdivision may be accepted within industrial or commercial~~
27 ~~districts when the director is satisfied that public streets are not desirable or necessary;~~
28 ~~every lot fronts upon and takes access to the private roadway or public street, adequate~~
29 ~~internal circulation exists, city design standards for private roadways are met, and~~
30 ~~provisions have been made for the proper and continuous maintenance of the roadway in~~
31 ~~accordance with the provisions of this title.~~

32 ~~—— (b) — Required easements for utilities, drainage, and any other improvement as~~
33 ~~found in this title shall be provided. If proper provisions for any required utility, drainage,~~
34 ~~and any other improvement as found in this title cannot be made, the administrative plat~~
35 ~~shall be disapproved.~~

36 ~~—— (c) — The Planning Director may require the posting of bonds or an escrow or~~
37 ~~security agreement approved by the city attorney in an amount sufficient to guarantee the~~
38 ~~installation of required improvements as found in this title. Said improvements shall be~~
39 ~~completed within the same time limits as allowed for plats requiring council approval.~~

40 ~~—— (d) — The subdivider shall submit such information as set forth in Sections~~
41 ~~26.15.015, 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning~~
42 ~~Director.~~

43 ~~—— (e) — Where individual water systems or on-site wastewater treatment systems are~~
44 ~~proposed to serve any of the proposed lots, the Health Department must approve the~~

1 system, and all plans and information required by the Health Department shall be provided
2 by the subdivider.

3 ~~_____ (f) (1) Prior to the approval of the administrative plat, the subdivider shall~~
4 ~~provide a statement from the County Treasurer's office showing there are no tax liens~~
5 ~~against said land within the proposed subdivision or any part thereof. The subdivider shall~~
6 ~~also provide a statement from the City Treasurer's office showing that all special~~
7 ~~assessment installment payments are current as applied to said proposed subdivision or~~
8 ~~any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.~~

9 ~~_____ (2) In the event of any proposed dedication for public use, a certificate of~~
10 ~~title or a title opinion issued to or for the benefit and protection of the city showing all~~
11 ~~parties whose consent is necessary to pass clear title for the land being subdivided and~~
12 ~~dedicated, together with the nature of their interests therein, shall be furnished. Such proof~~
13 ~~of title shall be in a form acceptable to the City Attorney. Any subsequent change affecting~~
14 ~~ownership of the proposed subdivision or any part thereof shall be made only upon the~~
15 ~~prompt notification and certification to the city of said change in ownership. The city shall~~
16 ~~assume no responsibility for any title problem with said proposed subdivision or any part~~
17 ~~thereof, and approval of said subdivision shall not be construed as approval of the title of~~
18 ~~the proposed subdivision or any part thereof.~~

19 ~~_____ (g) The administrative plat shall be in accordance with the comprehensive plan~~
20 ~~except that there shall be no dedication of land required for street right-of-way purposes~~
21 ~~under the following conditions:~~

22 ~~_____ (1) The land involved in the administrative plat has previously been~~
23 ~~subdivided or platted in accordance with the then applicable subdivision ordinances and~~
24 ~~procedures of the city.~~

25 ~~_____ (2) The maximum lot size for any one lot created by the proposed~~
26 ~~administrative plat does not exceed 15,000 square feet.~~

27 ~~_____ (h) The administrative plat shall be in accordance with all the development~~
28 ~~standards of this title, except that a lot may have a maximum depth of five times its width~~
29 ~~under the following conditions:~~

30 ~~_____ (1) The land involved in the administrative plat is zoned O-1, O-2, O-3, B-~~
31 ~~1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts;~~

32 ~~_____ (2) The minimum lot frontage of lots created by the proposed administra-~~
33 ~~tive plat is 100 feet or more.~~

34 ~~_____ (i) The subdivider shall submit an accurately drawn plat showing the proposed~~
35 ~~lots including the length of each lot line and its angle of deflection. Affixed to the plat shall~~
36 ~~be a certificate signed by a registered land surveyor certifying that each proposed lot has~~
37 ~~been accurately surveyed and that each lot corner has been well and accurately staked~~
38 ~~and marked.~~

39 ~~_____ (j) The form of the administrative plat shall be as provided in Chapter 26.19 except~~
40 ~~the approval certificate will be signed by the Planning Director and certification by Planning~~
41 ~~Commission and City Clerk will not be required.~~

42 ~~_____ (k) All land within the limits of a proposed administrative plat outside of, but~~
43 ~~adjoining or contiguous to, the corporate limits of the city must first be annexed by the~~
44 ~~council prior to approval of such administrative plat if all the land lies within the future urban~~
45 ~~area as defined and delineated in the Lincoln-Lancaster County Comprehensive Plan.~~

(Ord. 17959 §6; January 28, 2002; prior Ord. 17917 §1; October 1, 2001; Ord. 17549 §1; September 7, 1999; Ord. 17324 §1; April 20, 1998; Ord. 16073 §1; March 16, 1992; Ord. 15211 §1; July 3, 1989; Ord. 15093 §1; January 16, 1989; Ord. 14753 §1; September 14, 1987; Ord. 13157 §12; June 29, 1981; Ord. 12945 §1; June 30, 1980; Ord. 11888 §1; February 7, 1977; Ord. 11370 §1; May 19, 1975).

26.11.017 — Action on Administrative Plat.—

~~Copies of the administrative plat shall be distributed to other city departments and governmental agencies who are directly concerned with the proposed subdivision. Within ten days from receipt of the proposed administrative plat, a report on the findings of each such department or agency shall be returned to the Planning Director. Within twenty days from receipt of a complete application, the findings of the Planning Director shall be submitted to the applicant. The applicant may request modifications to the requirements for subdivision approval as provided in Section 26.31.010 of this title. The Planning Director shall file the approved administrative plat with all agreements and required easements in the office of the Register of Deeds of Lancaster County, Nebraska, within fifteen days from the date of approval. Thereupon such final plat shall be equivalent to and operate as a deed in fee simple to the city or Lancaster County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as herein set apart for public and city use. The recording fees shall be paid in advance by the subdivider and submitted to the Planning Director. (Ord. 15211 §2; July 3, 1989; prior Ord. 14753 §2; September 14, 1987; Ord. 13157 §13; June 29, 1981).~~

26.11.020 Filing Preliminary Plat With Planning Director.

Except as provided in Section 26.11.015 26.11.050(a), a preliminary plat and final plat shall be required for all subdivisions. The subdivider shall file with the Planning Director copies of the preliminary plat in the form hereinafter provided, together with copies of the owners' statement and accompanying data, the number of copies to be determined by the Planning Director. The time of filing such preliminary plat shall be the time said plat and accompanying data is received in the Planning Director's office. The Planning Director shall distribute copies of the preliminary plat and owners' statement and accompanying data to other city departments and governmental agencies who are directly concerned with the proposed subdivision. When a change of zone, special permit, use permit, or planned unit development is required, such application shall accompany the filing of the preliminary plat. (Ord. 14753 §3; September 14, 1987; prior Ord. 13956 §2; September 17, 1984; Ord. 13157 §14; June 29, 1981).

26.11.030 Staff Review of Preliminary Plat.

The following shall be the method of processing preliminary plats:

(a) Each department or governmental agency which is directly concerned with the proposed subdivision shall, within fifteen days from receipt of a copy of the preliminary plat, file with the Planning Director its approval of said plat or a report indicating in what manner such preliminary plat does not conform to the requirements of this title and all other rules, regulations, and standards adopted pursuant to this title over which such department has administrative responsibility. The preparer of any report not timely filed with the

1 Planning Director shall file such report with the Planning Director, forward such report to
2 the subdivider, and submit such report to the Planning Commission with a statement
3 explaining the reasons for the delay in the filing of the required report.

4 (b) Within thirty days from the filing of the preliminary plat, the Planning Director
5 shall notify the subdivider in writing of the recommended approval, conditional approval,
6 or disapproval of the preliminary plat based upon a review of the recommendations of the
7 various departments and the director's own review of the design of the subdivision, and
8 shall designate the improvements which will be required under the provisions of this title
9 before approval of the preliminary plat is granted.

10 (c) If the recommendation is for conditional approval or disapproval, the Planning
11 Director shall submit to the subdivider a statement of the reasons for such recommenda-
12 tion and indicate the revisions necessary to secure a recommendation of approval. One
13 copy of the preliminary plat together with a copy of the Planning Director's statement shall
14 be permanently filed in the Planning Department. A copy of the Planning Director's state-
15 ment shall be distributed to various departments and governmental agencies as necessary.

16 (d) The approval or conditional approval of the preliminary plat by the Planning
17 Director does not constitute an approval of the subdivision. (Ord. 14565 §4; December 15,
18 1986; prior Ord. 13956 §3; September 17, 1984: Ord. 13157 §15; June 29, 1981: Ord.
19 11370 §1; May 19, 1975).

20 21 **26.11.032 Filing Preliminary Plat for Planning Commission Hearing.**

22 Following the recommendation of the Planning Director, the subdivider shall file a
23 written response indicating agreement or disagreement with the revisions necessary to
24 secure a recommendation of approval and file as many copies of the preliminary plat as
25 determined by the Planning Director for hearing by the Planning Commission. The
26 response and preliminary plat are to be submitted at least five Mondays before the
27 Planning Commission meeting. (Ord. 14565 §5; December 15, 1986).

28 29 **26.11.033 Modification of Procedures.**

30 The procedures prescribed in Sections 26.11.030 and 26.11.032 may be modified
31 to provide that the preliminary plat may be directly scheduled for a hearing by the Planning
32 Commission; provided:

33 (a) The subdivider files the preliminary plat as required in Section 26.11.020 at
34 least seven Mondays prior to the Planning Commission meeting;

35 (b) Said filing is accompanied by a request that the procedure be modified; and

36 (c) The Planning Director determines that the preliminary plat substantially
37 complies with the requirements of this title and adopted design standards.

38 However, no hearing shall be held by the Planning Commission until notice of said
39 hearing has been given as provided in Section 26.11.036. (Ord. 14565 §6; December 15,
40 1986; prior Ord. 13956 §4; September 17, 1984: Ord. 13399 §1; June 1, 1982).

41 42 **26.11.035 Preliminary Plat Fee.**

43 (Repealed by Ord. 17917 §2; October 1, 2001; prior Ord. 17549 § 2; September 7, 1999:
44 Ord. 15211 §3; July 3, 1989: Ord. 13157 §16; June 29, 1981: Ord. 11370 §1; May 19,
45 1975).

1 **26.11.036 Hearing on Preliminary Plat.**

2 Hearing on the preliminary plat shall be held before the commission at a regular
3 meeting following completion by the subdivider of the procedures in Sections 26.11.030,
4 26.11.032, or 26.11.033. However, no hearing shall be held by the commission until:

5 (a) A notice of the time and place of the hearing is printed in a daily newspaper
6 of general circulation within the county at least eight days prior to the date of the hearing;

7 (b) A notice shall be posted in a conspicuous place on or near the property being
8 subdivided, stating that the commission will hold a hearing on the proposal to subdivide the
9 property. Said notice shall be posted at least eight days in advance of the hearing. It shall
10 be unlawful for any person to remove, mutilate, destroy, or change the posted notice prior
11 to the hearing time; and

12 (c) The Planning Director shall cause notice of the preliminary plat to be sent to
13 the record owners of property located within 200 feet of the property upon which action is
14 pending when such owners' property is located within the corporate limits of the city and
15 to the record owners of property within one-fourth mile of the property upon which action
16 is pending when such owners' property is located outside the corporate limits of the city at
17 the address as it appears on the last equalized assessment roll of the county or as known
18 to the Planning Director. The notice shall be sent by regular United States mail, postage
19 prepaid, at least ten days before the Planning Commission's first public hearing; provided
20 that no decision or recommendation which the commission is required to make shall be
21 void or invalidated or affected in any way, for any irregularity, defect, error, or failure on the
22 part of the Planning Director to cause notice to be given to each owner of record. (Ord.
23 15765 §1; October 29, 1990: prior Ord. 15673 §1; July 23, 1990: Ord. 15211 §4; July 3,
24 1989: Ord. 14565 §7; December 15, 1986: Ord. 13956 §5; September 17, 1984: Ord.
25 13157 §17, June 29, 1981: Ord. 11370 §1; May 19, 1975).

26
27 **26.11.037 Commission Action on Preliminary Plat.**

28 If after public hearing the commission finds the proposed preliminary plat complies
29 with the requirements of this title, it shall approve the preliminary plat. The approval of the
30 preliminary plat shall not constitute authority for the subdivider to sell the individual lots.

31 If a governmental agency, other than the city, which is directly concerned with the
32 proposed subdivision with respect to schools, parks, playgrounds, fire stations, libraries,
33 and other common areas for public use, failed to file with the Planning Director its approval
34 of or a report on the preliminary plat, the commission may withhold its approval or
35 disapproval of the preliminary plat until such agency's approval or report is filed.

36 If after public hearing the commission finds that the proposed preliminary plat does
37 not satisfy the requirements of this title, it shall specify in writing in the minutes of the
38 hearing the objections to the proposed preliminary plat. The commission may disapprove
39 or approve the proposed preliminary plat upon the condition that the subdivider makes
40 specific changes in the proposed preliminary plat which will remove the objections and
41 bring the proposed preliminary plat into compliance with this title.

42 ~~One copy of the proposed preliminary plat, together with a copy of t~~The findings of
43 the commission after public hearing, shall be submitted to the City Clerk, and the person
44 offering the proposed preliminary plat within seven days from the action by the Planning

Commission. One copy of the proposed preliminary plat and findings shall be retained by the commission as part of its official records.

The subdivider, the Planning Director, the Public Works and Utilities Director, or
Any aggrieved person may appeal any action of the commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action by the Planning Commission.

Waivers and/or modifications receiving a recommendation of approval from the city staff may be approved by Planning Commission. Those waivers and/or modifications not receiving a recommendation of approval from the city staff shall be submitted to City Council after the Planning Commission has held a public hearing and made a recommendation.

The preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved preliminary plat is submitted five years or more after the effective date of the preliminary plat, the city may require that a new preliminary plat be submitted, pursuant to all the provisions of this chapter. A new preliminary plat may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations. (Ord. 14565 §8; December 15, 1986; prior Ord. 13956 §6; September 17, 1984; Ord. 13157 §18; June 29, 1981; Ord. 11370 §1; May 19, 1975).

26.11.038 Authority to Proceed With Improvements.

~~After submittal of a proposed preliminary plat to the City Clerk, the City Clerk shall cause the proposed preliminary plat to be placed on the agenda of the City Council for approval by the City Council by resolution.~~ Receipt by the subdivider of final approval of the preliminary plat and ~~acceptance by the City Council~~ shall constitute authority for the subdivider to proceed with plans, profiles, and specifications for the grading and land preparation, submission ~~presentation~~ of the final plat to the Commission, and the installation of the required improvements, except street lighting and street name signs. No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work. No utility or improvement shall be installed or constructed until the area to be developed has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of the land to be developed has been completed in conformance with the grading shown on the preliminary plat, the drainage study, and the final street grades. The Director of Public Works and Utilities may approve the grading, installation, and construction in phases. Also, no utility or improvement shall be installed or constructed until the plans, and if appropriate profiles and specifications, are prepared by the appropriate city department or submitted by the subdivider to the appropriate city department and other governmental

1 agencies required by law, and approval is granted. Plans, and if appropriate profiles and
2 specifications, for street surfacing, sidewalks, public water systems, public wastewater
3 works, storm drains, and drainage systems, land preparation and grading, and temporary
4 turnarounds not prepared by the city engineering staff shall be submitted to the
5 Department of Public Works
6 and Utilities for approval. Plans, profiles, and specifications for community water systems
7 and community wastewater works shall be reviewed and approved pursuant to Section
8 26.11.040(d) of this title. Individual water well systems and on-site wastewater treatment
9 systems shall be submitted to the City-County Health Department for approval. Plans and
10 specifications for landscape screens and trees shall be submitted to the Planning Director
11 for approval. Plans and specifications for electrical distribution systems and street lighting
12 shall be prepared by the Lincoln Electric System (LES) unless the subdivider requests and
13 receives permission from LES to use a private consulting engineer, then the plans and
14 specifications shall be submitted to LES for approval. The plans and specifications for
15 street name signs shall be prepared by the Department of Public Works and Utilities. The
16 plans and specifications for the grading and land preparation, paving, street surfacing,
17 public water system, public wastewater works and storm drains shall be prepared by a
18 professional engineer or architect registered in the State of Nebraska.

19 Installation of utilities and improvements may be allowed on all or a portion of the
20 proposed subdivision prior to the approval of the final plat. Street surfacing, public water
21 systems, public wastewater works, and public street lighting shall not be installed or
22 constructed until authorized by executive order of the Mayor or ordered constructed by the
23 city through an assessment district. Storm drainage systems shall not be installed or
24 constructed until authorized by executive order of the Mayor.

25 The design and installation of each utility and other improvements shall be in strict
26 accordance with the design standards for that utility or other improvement. Design
27 standards for utilities and other improvements shall be on file with and available from the
28 City Clerk. (Ord. 18187 §1; June 2, 2003: prior Ord. 17959 §7; January 28, 2002: Ord.
29 17617 §2; February 22, 2000: Ord. 17052 §1; August 26, 1996: Ord. 16950 §3; March 11,
30 1995: Ord. 16431 §1; July 26, 1993: Ord. 14565 §9; December 15, 1986: Ord. 13157 §19;
31 June 29, 1981: Ord. 11370 §1; May 19, 1975).

32 33 **26.11.039 Requisites for Final Plat Approval.**

34 Before any final plat may be approved, provisions for the installation of the minimum
35 improvements set out in Chapter 26.27 shall be made in one of the following manners:

36 (a) Improvements have been installed and approved. This is the only method
37 available for community wastewater works and community water systems.

38 (b) Petitions for assessment districts and if necessary formal petitions with
39 required signatures, have been filed with the Planning Director. Such assessment districts
40 may be created for public improvements within the corporate limits of the city at the sole
41 option of the city, and shall be used for only the completion of street paving, public water
42 systems, public wastewater works, and street lighting. Provided, however, the approved
43 final plat shall not be recorded in the office of the Register of Deeds until the city has
44 created all such petitioned assessment districts.

1 (c) A bond, escrow, or security agreement approved by the City Law Department
2 has been furnished in an amount sufficient to guarantee the installation of the required
3 improvements or an executive order has been issued by the Mayor authorizing the
4 construction of the improvements.

5 (d) An agreement is signed by the subdivider guaranteeing that the improvement
6 is completed within a time specified by the city. However, this alternative is available only
7 for on-site wastewater treatment systems, individual water well systems, and the
8 completion of land preparation. Prior to the approval of the final plat, the appropriate city
9 department shall estimate the cost of completing the improvements. The amount of the
10 bonds or escrow or security agreement shall be established by the city and may be
11 increased or decreased according to current conditions. If the amount of the bond or
12 escrow or security agreement is less than the actual cost of the installation of the
13 improvements, the subdivider shall be responsible for the payment of any such additional
14 costs of the improvements. No surety bond or other security shall be accepted unless:

15 (1) It is enforceable by or payable to the city;

16 (2) It provides that any extension of time, change, alteration, or addition,
17 which may be approved by the city for construction or completion of the improvement for
18 which the bond is given, shall in no manner affect or relieve the obligation of the surety,
19 regardless of whether or not the surety is given notice of any such extension of time,
20 change, alteration, or addition;

21 (3) It cannot be terminated without written authorization of the Mayor;

22 (4) It is written by a corporate surety company authorized to do business
23 in the State of Nebraska, or approved security deposits have been made to an institution
24 licensed to do business in the State of Nebraska; and

25 (5) It is a form with surety and conditions approved by the City Attorney.
26 (Ord. 17978 §1; April 1, 2002; prior Ord. 17959 §8; January 28, 2002; Ord. 14565 §10;
27 December 15, 1986; Ord. 13157 §20; June 29, 1981; Ord. 11370 §1; May 19, 1975).

28 29 **26.11.040 Installation of Improvements.**

30 Improvements shall be installed as follows:

31 (a) Sidewalks within streets and those trees not included in a landscape screen
32 within four years of final plat approval; provided, however, when sidewalks have been
33 constructed on seventy percent or more of the frontage along a major street between two
34 street intersections, the remaining sidewalk therein shall be constructed.

35 (b) Sidewalks within pedestrian ways at the same time the adjacent streets in the
36 final plat are surfaced.

37 (c) Street lights on the side of the streets and private roadways which abut the
38 subdivision, land preparation, and landscape screens within the period established by the
39 city.

40 (d) Community wastewater works and community water systems constructed and
41 approved as specified below prior to final plat approval. The wastewater treatment and
42 discharge system and the water supply, collection, treatment, and storage shall be
43 constructed to the satisfaction of the State of Nebraska. The wastewater collection system
44 and the water distribution system shall be constructed to the satisfaction of the Director of

Public Works and Utilities. The Director of Public Works and Utilities may as an option accept a certification from a registered professional engineer that the wastewater collection system and the water distribution system was completed in accordance with the City of Lincoln design standards..

(e) On-site wastewater treatment systems and individual water well systems shall be completed in accordance with the rules and regulations of the Health Department at the time improvements are constructed on the lot.

(f) All other improvements listed in Chapter 26.27 within the period established by the city not exceeding two years from final plat approval. Whenever twenty-five, fifty, or seventy-five percent or more of the value of any required improvement, except street trees and landscape screens, within the final plat has been completed, the penal amount of the original bond or other security required for said improvement may be reduced by twenty-five, fifty, and seventy-five percent, respectively; provided that such reduction does not reduce the penal amount of the bond or other security to an amount less than one hundred ten percent (110%) of the estimated cost of the work remaining to be completed. (Ord. 17959 §9; January 28, 2002: prior Ord. 17073 §1; October 21, 1996: Ord. 16950 §4; March 11, 1996: Ord. 14565 §11; December 15, 1986: Ord. 13956 §7; September 17, 1984: Ord. 13591 §1; May 9, 1983: Ord. 13157 §21; June 29, 1981: Ord. 11370 §1; May 19, 1975).

26.11.050 Filing Final Plat.

(a) The Planning Director is hereby empowered to approve a final plat without a preliminary plat under the following conditions:

(1) No new street or private roadway is accepted or needed within the area of the new lots, except in the sole discretion of the Planning Director, private roadways which will serve only the proposed subdivision may be accepted within industrial or commercial districts when the director is satisfied that public streets are not desirable or necessary, every lot fronts upon and takes access to the private roadway or public street, adequate internal circulation exists, city design standards for private roadways are met, and provisions have been made for the proper and continuous maintenance of the roadway in accordance with the provisions of this title.

(2) Required easements for utilities, drainage, and any other improvement as found in this title shall be provided. If proper provisions for any required utility, drainage, and any other improvement as found in this title cannot be made, the plat shall be disapproved.

(3) The Planning Director may require the posting of bonds or an escrow or security agreement approved by the city attorney in an amount sufficient to guarantee the installation of required improvements as found in this title. Said improvements shall be completed within the same time limits as allowed for plats requiring council approval.

(4) The subdivider shall submit such information as set forth in Sections 26.15.015, 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning Director.

(5) Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.

1 (6) (a) Prior to the approval of the plat, the subdivider shall provide a
2 statement from the County Treasurer's office showing there are no tax liens against said
3 land within the proposed subdivision or any part thereof. The subdivider shall also provide
4 a statement from the City Treasurer's office showing that all special assessment
5 installment payments are current as applied to said proposed subdivision or any part
6 thereof. All taxes shall be paid in full on all real property dedicated to a public use.

7 (b) In the event of any proposed dedication for public use, a certificate of
8 title or a title opinion issued to or for the benefit and protection of the city showing all
9 parties whose consent is necessary to pass clear title for the land being subdivided and
10 dedicated, together with the nature of their interests therein, shall be furnished. Such proof
11 of title shall be in a form acceptable to the City Attorney. Any subsequent change affecting
12 ownership of the proposed subdivision or any part thereof shall be made only upon the
13 prompt notification and certification to the city of said change in ownership. The city shall
14 assume no responsibility for any title problem with said proposed subdivision or any part
15 thereof, and approval of said subdivision shall not be construed as approval of the title of
16 the proposed subdivision or any part thereof.

17 (7) The plat shall be in accordance with the comprehensive plan except that
18 there shall be no dedication of land required for street right-of-way purposes under the
19 following conditions:

20 (a) The land involved in the plat has previously been subdivided or platted
21 in accordance with the then applicable subdivision ordinances and procedures of the city.

22 (b) The maximum lot size for any one lot created by the proposed plat
23 does not exceed 15,000 square feet.

24 (8) The plat shall be in accordance with all the development standards of this
25 title, except that a lot may have a maximum depth of five times its width under the following
26 conditions:

27 (a) The land involved in the plat is zoned O-1, O-2, O-3, B-1, B-2, B-3, B-
28 4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts.

29 (b) The minimum lot frontage of lots created by the proposed admin-
30 istrative plat is 100 feet or more.

31 (9) The subdivider shall submit an accurately drawn plat showing the proposed
32 lots including the length of each lot line and its angle of deflection. Affixed to the plat shall
33 be a certificate signed by a registered land surveyor certifying that each proposed lot has
34 been accurately surveyed and that each lot corner has been well and accurately staked
35 and marked.

36 (10) The form of the plat shall be as provided in Chapter 26.19 except the
37 approval certificate will be signed by the Planning Director.

38 (b) A subdivider may file a final plat which conforms to a proposed preliminary plat or
39 an approved preliminary plat which is still in effect as set out in Section 26.11.037. The
40 final plat shall be drawn in accordance with an accurate survey of the subdivision, the
41 approved preliminary plat, and the standards for development set out in Chapter 26.23
42 hereof. The subdivider shall file with the Planning Department the final plat and in addition
43 thereto the number of copies required by the Planning Director, together with the following:

44 (1) Prior to the approval of the final plat by the Planning Director Commission,
45 the subdivider shall provide a statement from the County Treasurer's office showing that,

1 according to their records, there are no delinquent taxes against the land within the
2 proposed subdivision or any part thereof, and there are no liens for taxes which have been
3 levied but which are not yet delinquent upon any buildable lot, street, or other property to
4 be dedicated for public use, or outlot which is not reserved for future development. The
5 subdivider shall also provide a statement from the County Treasurer's office showing that
6 all special assessment installment payments are current as applied to said proposed
7 subdivision or any part thereof. The city shall assume no responsibility for any tax or
8 special assessment liability on the property to be subdivided, and approval of said final plat
9 shall not be construed as either an approval of or act as a waiver of the enforcement of all
10 applicable statutes and ordinances with regard to the collection of taxes and special
11 assessments on the proposed subdivided property or any part thereof. All taxes and
12 special assessments must be paid in full on all real property dedicated in fee to a public
13 use. The subdivider shall also obtain from the County Assessor's office a list of new
14 account numbers for the purpose of assessment of taxes against all buildable lots and
15 outlots not reserved for future development within the proposed subdivision.

16 (2) In the event of any proposed dedication for public use, a certificate of title or
17 a title opinion issued to or for the benefit and protection of the city, showing all parties
18 whose consent is necessary to pass clear title for the land being subdivided and dedicated,
19 together with the nature of their interests therein, shall be furnished. Such proof of title
20 shall be in a form acceptable to the City Attorney. Any subsequent change affecting
21 ownership of the proposed subdivision or any part thereof shall be made only upon the
22 prompt notification and certification to the city of said change in ownership. The city shall
23 assume no responsibility for any title problem with said proposed subdivision or any part
24 thereof, and approval of said final plat shall not be construed as approval of the title of the
25 proposed subdivision or any part thereof.

26 (3) Whenever property is subdivided with the intention that it will have a use
27 other than permitted by the district in which such property is located as designated on the
28 then existing Lincoln zoning district maps, such use shall be stated. No final plat shall be
29 approved unless or until it complies with Title 27 of this code.

30 (c) If the time period between the effective date of the approved preliminary plat and
31 the date the final plat is submitted exceeds five years and the required improvements have
32 not been installed pursuant to a written authorization from the Mayor by executive order,
33 the subdivider may, prior to preparing the final plat, request a written opinion from the
34 Planning Director as to whether the conditions of approval and the approved preliminary
35 plat are still in compliance with the subdivision ordinance, design standards, and required
36 improvements. The Planning Director shall submit to the subdivider a written response
37 indicating whether the conditions of approval and the approved preliminary plat are still in
38 compliance with the current subdivision ordinance, design standards, and required
39 improvements. If the preliminary plat is not in compliance, the Planning Director shall list
40 the items of noncompliance and may require that a new preliminary plat be submitted by
41 the subdivider pursuant to all of the provisions of this title. (Ord. 17052 §2; August 26,
42 1996; prior Ord. 16431 §2; July 26, 1993; Ord. 16073 §2; March 16, 1992; Ord. 14565 §12;
43 December 15, 1986; Ord. 13157 §22; June 29, 1981; Ord. 11370 §1; May 19, 1975).

44 **26.11.055 Final Plat Fee.**

45

(Repealed by Ord. 17917 §3; October 1, 2001; prior Ord. 17549 § 3; September 7, 1999; Ord. 15211 §5; July 3, 1989; Ord. 13157 §23; June 29, 1981).

26.11.060 Action Required on Final Plat.

(a) ~~Upon receipt of the final plat, the Planning Director shall examine said plat for conformity and compliance with the approved or proposed preliminary plat and any requirements imposed as a condition for the acceptance of the final plat. Then said final plat, together with other materials required in this title shall be transmitted to the Director of Public Works and Utilities. Copies of the final plat and accompanying documents shall be distributed to other city departments and governmental agencies who are directly concerned with the subdivision.~~

~~(b) Upon receipt of the final plat and required documents to be submitted therewith, the Director of Public Works and Utilities shall check surveying data, plans, profiles, and specifications of improvements, certificates of dedication, acceptance of dedication, and such other matters as require checking to ensure compliance with the provisions of this title. Within fifteen days from receipt of the final plat, the findings of the Director shall be transmitted to the Planning Director for presentation to the Commission. Within 15 days from receipt of the proposed final plat and accompanying documents, a report on the findings of each department and agency shall be returned to the Planning Department.~~

~~(c) The final plat shall be presented to the Commission after acceptance of the preliminary plat by the City Council. If the Commission finds that the final plat conforms to the approved preliminary plat and all amendments thereto, Within fifteen days of receiving all the reports, the Planning Director the Commission shall adopt a resolution approving such final plat by letter to the subdivider and setting forth all conditions of approval, the subdivision agreement and the amount of all bonds or escrow of security agreements necessary to insure installation of all requirement improvements. Upon receiving signed copies of the subdivision agreement and acceptance of the sureties from the Law Department, The Planning Director chairman of the Commission shall sign the final plat, thereby indicating that the final plat has been approved received the approval of the Commission and it conforms to the approved preliminary plat and the requirements of this title and that all approved offers of dedication are accepted. If the final plat does not substantially conform to the approved preliminary plat, the Planning Director Commission shall disapprove of the final plat. The Planning Director Commission shall approve a final plat if it substantially conforms to the requirements of this title applicable at the time of the approval of the preliminary plat.~~

~~(d) Any aggrieved person may appeal any action of the Planning Director to the Planning Commission, and any decision of the Planning Commission to the City Council. by filing notice of aAn appeal with the City Clerk must be filed within fourteen days following the action by the Commission. The appeal of the Planning Director action shall be filed with the Director, and the appeal of the Planning Commission decision shall be filed with the City Clerk. If the Planning Commission approves the plat and it is not appealed, If the City Council approves a final plat after the appeal of the denial of such a plat by the Commission, no further action shall be required by the Commission to approve such a plat. After approval thereof by the City Council, the plat shall be signed returned~~

1 ~~to the Planning Department for signing by the Chairman of the Commission, the City Clerk~~
2 ~~shall sign the plat on behalf of the City Council.~~ Thereafter, such plat shall be processed
3 in accordance with the procedures set forth in Section 26.11.070.

4 (e) Waivers and/or modifications receiving a recommendation of approval from
5 the city staff, may be approved by Planning Commission. Those waivers and/or
6 modifications not receiving a recommendation of approval from the city staff shall be
7 submitted to City Council after the Planning Commission has held a public hearing and
8 made a recommendation. (Ord. 17052 §3; August 26, 1996; prior Ord. 16950 §5; March 11,
9 1996; Ord. 16431 §3; July 26, 1993; Ord. 14565 §13; December 15, 1986; Ord. 13157
10 §24; June 29, 1981; Ord. 11370 §1; May 19, 1975).

11 12 **26.11.070 Final Plat Filed With Register of Deeds.**

13 No plat shall be filed for record or recorded in the office of the Register of Deeds of
14 Lancaster County, and no lot shall be sold from such plat unless and until:

15 (a) Such plat has been approved by the Planning Director Commission, or in the
16 event of an appeal, by the Planning Commission or City Council, ~~such plat has been~~
17 ~~approved by the City Council, or in the case of an administrative plat, such plat has been~~
18 ~~approved by the Planning Director;~~

19 (b) Provision for the installation and construction of all required minimum
20 improvements as provided in Section 26.11.039 have been fulfilled;

21 (c) The subdivider has submitted ~~to the City Clerk~~ the recording fee.

22 Thereafter, the approved final plat ~~and a copy of the accepting resolution certified~~
23 ~~by the City Clerk~~, along with all required agreements, shall be filed and recorded in the
24 office of the Register of Deeds of Lancaster County, Nebraska. Thereupon such final plat
25 shall be equivalent to and operate as a deed in fee simple to the city or Lancaster County
26 or other applicable utility or governmental entity from the owner of all streets, alleys, public
27 ways and grounds, and of such portions of land as herein set apart for public and city use.
28 The City Clerk shall have the responsibility for transmitting to the office of the Register of
29 Deeds the approved final plat, ~~a certified copy of the resolution accepting said final plat,~~
30 ~~and any other data that must be recorded. The City Clerk shall ascertain the amount of~~
31 ~~the recording fees due the Register of Deeds and notify the subdivider.~~ (Ord. 16431 §4;
32 July 26, 1993; prior Ord. 14753 §4; September 14, 1987; Ord. 13157 §25; June 29, 1981;
33 Ord. 11370 §1; May 19, 1975).

34 35 **26.11.080 Subdivided Land Included Within Corporate Limits.**

36 All subdivisions now or hereafter laid out adjoining or contiguous to the corporate
37 limits of the city, shall be included within the corporate limits as provided in Neb. Rev. Stat.
38 §15-106, and be and become thereupon a part of such city for all purposes whatsoever
39 and the inhabitants of such addition shall be entitled to all the rights and privileges and
40 subject to all laws, ordinances, rules, and regulations of the city. (Ord. 13403 §1; June 7,
41 1982; prior Ord. 11370 §1; May 19, 1975).

1 **26.11.090 Storm Drain Responsibilities.**

2 The subdivider shall be responsible for the entire cost and expense for the
3 construction of all storm drain systems; provided, however, that the city, through the City
4 Council, may agree to contribute to and pay up to one-half the difference in cost as deter-
5 mined at the time of approval between the storm drain system requiring a storm drain
6 thirty-six inches in diameter and one requiring a storm drain over thirty-six inches in
7 diameter for plats located within the city limits, or to be annexed with final plat approval.
8 City contributions shall be limited to the available funds appropriated for such purposes in
9 the current fiscal year's budget; provided if requests for such subsidies exceed available
10 funds appropriated for such purposes, the City Council may establish by resolution, a
11 system of priorities upon which to base city contributions. The dollar amount of city
12 participation for a particular subdivision shall be certified to the Commission by the Director
13 of Public Works and Utilities prior to the date of approval of the final plat of such
14 subdivision and shall be set forth in the Commission resolution approving such final plat.
15 The city's agreement to make such a contribution shall lapse if the storm drains are not
16 constructed by the subdivider within two years after the date of approval of the final plat
17 of the subdivision. The subdivider shall be responsible for the installation and mainte-
18 nance of open ditches for surface drainage where permitted. (Ord. 16950 §6; March 11,
19 1996; prior Ord. 16431 §5; July 26, 1993; Ord. 13157 §27; June 29, 1981; Ord. 12544 §1;
20 April 2, 1979).

21
22 **26.11.095 Wastewater Collector Responsibilities.**

23 The subdivider shall be responsible for the entire cost and expense for the
24 construction of all wastewater collector systems; provided, however, if the collector serves
25 other land upstream beyond the subdivision, the city may agree to contribute to and pay
26 up to the difference in cost between an equivalent eight-inch diameter pipe system and the
27 required size pipe system. This contribution is only available to plats located within the city
28 limits or annexed with final plat approval. The dollar amount of city participation for a
29 particular subdivision shall be certified to the Commission by the Director of Public Works
30 prior to the date of approval of the final plat of such subdivision and shall be set forth in the
31 Commission resolution approving such final plat. The city's agreement to make such a
32 contribution shall lapse if the construction is not completed by the subdivider within two
33 years after the date of approval of the final plat of the subdivision. (Ord. 16431 §6; July
34 26, 1993; prior Ord. 13956 §8; September 17, 1984; Ord. 13157 §28; June 29, 1981).

35
36 **26.11.097 Water Main Responsibilities.**

37 The subdivider shall be responsible for the entire cost and expense for the
38 construction of all water main systems; provided, however, if the city requires a larger main
39 for the city's feeder main network, then the city may pay the difference in cost between the
40 size pipe system required for the larger feeder main network and the size pipe system that
41 would be required by the design standards to serve the subdivision. This contribution is
42 only available to plats located within the city limits or annexed with final plat approval. The
43 dollar amount of city participation for a particular subdivision shall be certified to the
44 Commission by the Director of Public Works and Utilities prior to the date of approval of
45 the final plat of such subdivision and shall be set forth in the Commission resolution ap-

1 proving such final plat. The city's agreement to make such a contribution shall lapse if the
2 construction is not completed by the subdivider within two years after the date of
3 acceptance of the final plat of the subdivision. (Ord. 16950 §7; March 11, 1996: prior Ord.
4 16431 §7; July 26, 1993: Ord. 13956 §9; September 17, 1984: Ord. 13157 §29; June 29,
5 1981).

6
7 **26.11.100 Subdivision of Land Within Flood Plain.**

8 There shall be no platting or subdivision of land allowed by the city within the area
9 defined as a flood plain unless the following conditions are met:

10 (a) It is determined by the city after receipt of additional hydrological or grade
11 studies from the subdivider or appropriate federal or state agencies that the lands to be
12 developed are no longer subject to be covered by flood water of a 100-year frequency
13 flood.

14 (b) The city finds that the proposed development complies with Chapter 26.23
15 of this title, and the city grants approval as provided herein.

16 (c) The location, grade, and flood-proofing of all proposed utilities which are to
17 be extended into or through any portion of the flood plain to serve the proposed
18 development shall first be approved by the city, prior to the extension of such utilities into
19 the flood plain area.

20 If the subdivider of land located within a flood plain is granted approval to subdivide
21 by the city, it shall not be necessary for the subdivider to make an application for a special
22 permit to be approved by the city as required by Resolution Nos. A-55150, A-56382, and
23 A-57540. It shall be presumed that the subdivider has received all such approvals as may
24 be required by the foregoing resolutions by virtue of subdivision approval.

25 If the city, at the time of platting, agrees to create special assessment districts,
26 agreements to prohibit future connections to water mains and wastewater collectors to
27 serve any land still subject to being inundated by flood water shall be made between the
28 subdivider and city. The subdivider shall pay the entire cost of the necessary construction
29 and necessary flood-proofing of such public utilities which may be constructed by special
30 assessment districts when said utilities traverse any land subject to being inundated by
31 flood water in order to serve the land within the proposed subdivision.

32 The subdivider shall obtain the approval of the Director of Public Works and Utilities
33 for any modifications in the location or design of the borrow area within the flood plain.
34 (Ord. 16950 §8; March 11, 1996: prior Ord. 13157 §30; June 29, 1981: Ord. 12270 §2; May
35 1, 1978: Ord. 11858 §1; December 13, 1976: Ord. 11370 §1; May 19, 1975).

36
37 **26.11.105 Subdivision of Land Within the Airport Environs District.**

38 All platting and subdivision of land within the Airport Environs District shall be
39 conditioned upon compliance with all terms and conditions of Chapter 27.58. (Ord. 13414
40 §14; June 14, 1982).

41
42 **26.11.110 Responsibilities for Improvements in Collector and Major Streets.**

43 The subdivider shall be responsible for:

44 (a) The equivalent cost of local street paving in a major street when:

45 (1) The subdivision abuts such major street;

1 (2) The major street is within the city limits or will be annexed with final
2 plat approval; and

3 (3) Improvement of the major street is planned in the six-year capital
4 improvements program; provided, however, no payment shall be required when individual
5 lot access to such major street has been relinquished.

6 (b) The subdivider shall be responsible for the entire cost and expense for the
7 construction of a collector street within the subdivision; provided, however, if the collector
8 street serves other land beyond the subdivision, then the city may agree to contribute up
9 to the difference in cost between an equivalent local street paving and the collector street
10 paving. This contribution is only available to plats located within the city limits or annexed
11 with final plat approval. The dollar amount of city participation for a particular subdivision
12 shall be certified to the Commission by the Director of Public Works and Utilities prior to
13 the date of approval of the final plat of such subdivision and shall be set forth in the
14 Commission resolution approving such final plat. The city's agreement to make such a
15 contribution shall lapse if the construction is not completed by the subdivider within two
16 years after the date of approval of the final plat of the subdivision. (Ord. 16950 §9; March
17 11, 1996; prior Ord. 16431 §8; July 26, 1993: Ord.13956 §10; September 17, 1984: Ord.
18 13157 §31; June 29, 1981: Ord. 11370 §1; May 19, 1975).

19
20 ANNOT.: Where the City of Lincoln has required subdivider to
21 relinquish right of direct vehicular traffic from all abutting lots to
22 arterial street, this ordinance does not authorize requirement
23 that subdivider also pay equivalent cost of paving abutting
24 major street. Briar West Inc. v. City of Lincoln, 206 Neb. 172,
25 291 N.W.2d 730 (1980).

26 The only foundation for a local assessment lies in the
27 special benefits conferred by the improvement upon the
28 property assessed. Id.
29

30 **26.11.130 Survey Errors/Corrected Plats.**

31 In the event that a survey error is found at any time after the filing of the final plat
32 with the Register of Deeds, the subdivider shall be notified by the Planning Director.
33 Thereafter, the subdivider shall immediately proceed to cause the survey error to be
34 corrected. Building permits on any or all of the lots within the subdivision may be withheld
35 and the city may take such other action it deems appropriate to obtain the correction of the
36 survey error. The subdivider shall submit to the Planning Director a corrected final plat and
37 an explanation letter setting forth the corrections. The Planning Director shall transmit the
38 corrected final plat and the letter of explanation to the Director of Public Works and
39 Utilities. The Director of Public Works and Utilities shall review and return comments to the
40 Planning Director. ~~Thereafter, a copy of the corrected plat, the letter of explanation, the~~
41 ~~report of the Director of Public Works and Utilities, and the recommendation of the~~
42 ~~Planning Director shall be transmitted to the Law Department and the City Clerk. The Law~~
43 ~~Department shall prepare a resolution approving and accepting the corrected final plat and~~
44 ~~voiding the plat with the survey error. The Commission may then approve and accept the~~
45 ~~corrected final plat. After such approval, the City Clerk shall then file the resolution~~

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Chapter 26.15

PRELIMINARY PLAT

Sections:

- 26.15.015 Information on a Preliminary Plat.**
- 26.15.020 Information on or Accompanying a Preliminary Plat.**
- 26.15.030 Additional Required Information.**
- 26.15.040 Development Within Flood Plain.**

26.15.015 Information on a Preliminary Plat.

The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows all pertinent information required in this chapter. The proposed layout and design of all the features of the subdivision shall conform to this title and to the design standards adopted by the city.

The following required information shall be identified and shown on the preliminary plat:

(a) Name of the subdivision. The name of the subdivision shall not duplicate or approximate the name of an existing subdivision within Lancaster County unless the subdivision is adjacent to that existing subdivision and is an expansion thereof. The distinction shall be made by adding the suffix "1st addition" to the first duplication of the name, and then continuing in sequence.

(b) North arrow, scale of drawing, date prepared, the sheet number and total number of sheets included within each set of the preliminary plat submittal.

(c) Contour lines based on NAVD 1988 and at sufficient intervals, not to exceed five feet, to duplicate adequately the existing and proposed topography and land form within and adjacent to the subdivision. The scaled distance between contour lines shall not exceed 200 feet. Notwithstanding the above, contour lines shown on preliminary plats submitted before March 1, 2000 may be in either city datum or NAVD 1988.

(d) Existing and proposed streets and private roadways within and adjacent thereto. This shall include the right-of-way and pavement width, tangent length, the centerline radius of each curve and its interior angle, the angle of intersection with all other streets and private roadways and the name or number of each. Where the preliminary plat submitted covers only a portion of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part of the tract shall be furnished; and the street system of the part being platted shall be considered in connection with the proper projection of streets into the portion of the tract not being presently platted.

(e) All lot lines and their dimensions. The dimensions along curvilinear lines shall be noted as being either chord or arc length.

(f) Lot and block numbers and outlot letters with the total number of each. All lots shall be numbered in sequence beginning with the number one and continuing consecutively through each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing through the alphabet. Areas, except streets, to be dedicated or reserved for public or private parks or other public areas shall be outlots.

1 (g) Areas for schools, parks, playgrounds, fire stations, libraries, and other
2 common areas for public use, along with any requested consideration for such areas.

3 (h) The proposed method of providing wastewater collector service to each lot:

4 (1) If a public or community wastewater collector system is proposed, the
5 size, direction of flow, location of the wastewater collectors, manholes, necessary
6 extensions of the system within or beyond the limits of the subdivision to connect to the
7 city's existing wastewater collector system or to the community wastewater treatment
8 facility, and the location of the community wastewater treatment facility.

9 (2) If the use of individual wastewater systems is permitted, pursuant to
10 Section 26.27.040 of this title, and a septic tank system is proposed, soil and percolation
11 data and plans which show the location of one main subsurface disposal field for each lot
12 which is proposed to be served by a septic tank system, are required. Where the
13 subdivider will permit individual sewage lagoons and the lot area is three acres or more,
14 percolation tests and the location of the subsurface disposal field are not required.

15 (i) The proposed method of providing water supply to each lot:

16 (1) If a public or community water system or rural water district is
17 proposed, the location and size of all water mains, hydrants, and necessary extensions of
18 the system within or beyond the limits of the subdivision to connect to the existing water
19 mains or to the community well.

20 (2) If a community water system other than a rural water district is
21 proposed, data on the quantity and quality of the water shall be obtained from one or more
22 test wells within the immediate vicinity of the proposed water supply well.

23 (3) If an individual water well system for each lot is proposed, data on the
24 quantity and quality of the water shall be obtained from test wells which shall be drilled on
25 the ratio of one to each ten acres on a grid system. Where geological and hydrological data
26 and sodium and chloride tests are available and the results are satisfactory to the health
27 department, the test wells may be waived.

28 (4) The results of the preliminary tests required above shall in no way be
29 construed to constitute a guarantee by the city of the quantity or quality of water to
30 individual lots in the proposed subdivision, and the data obtained from these tests shall not
31 be used to imply that an adequate quantity or acceptable quality of water is available in the
32 proposed subdivision.

33 (j) The location and size of all existing wastewater collectors and wastewater
34 treatment facilities, storm drains, culverts, water mains and fire hydrants, power lines,
35 cables, and other underground structures within or adjacent to the subdivision.

36 (k) The location, width, and purpose of all existing and proposed easements
37 within or adjacent to the subdivision.

38 (l) The location of all existing and proposed sidewalks, pedestrian ways, and
39 bikeways with required easements and setbacks.

40 (m) The location of all existing structures and buildings within and adjacent to the
41 subdivision, their existing and proposed use.

42 (n) A certified accurate boundary survey showing sufficient linear, angular, and
43 curve data to determine the bearing and length of all boundary lines of the subdivision, a
44 legal description thereof, and the number of acres therein. (This survey shall be field
45 measured and shall mathematically close with an error of not more than one in twenty-five
46 thousand (1/25,000).) This survey shall also locate and identify all section corners and

1 section lines. Where the subdivision abuts on an existing plat or other surveyed tracts, the
2 distances, angles, and bearing of any common lines shall be shown; and any differences
3 along common lines of the original survey and the survey of this subdivision shall be noted.

4 (o) A certificate for the signature of the chairman of the Planning Commission
5 in a form approved by the Planning Director. (Ord. 17584 § 1; December 20, 1999; prior
6 Ord. 14782 §1; November 2, 1987; Ord. 14565 §14; December 15, 1986; Ord. 13956 §11;
7 September 17, 1984; Ord. 13157 §34; June 29, 1981; Ord. 13185 §1; August 10, 1981).

8 9 **26.15.020 Information on or Accompanying a Preliminary Plat.**

10 The following required information shall be identified and shown on the preliminary
11 plat or on accompanying sheets:

12 (a) Centerline profiles in NAVD 1988 of all existing and proposed streets and
13 private roadways within and adjacent to the subdivision. The profile shall show points of
14 intersection with all other streets and private roadways, stationing, the existing ground
15 surface elevations, the proposed street grades, the length of vertical curves between
16 changes in grade, and the profiles and horizontal alignment of temporary dead-end streets
17 extending 300 feet beyond the limits of the subdivision.

18 (b) A drainage study in NAVD 1988 (when utilizing NGVD based flood elevations
19 from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD
20 1988, unless a more accurate conversion factor using an established conversion program
21 is demonstrated to the satisfaction of the Director of Public Works and Utilities) shall
22 include the following:

23 (1) A topographic map showing the drainage area and resulting runoff
24 from all land lying outside the limits of the preliminary plat which discharges storm water
25 runoff into or through the plat.

26 (2) A topographic map showing proposed contour lines and all sub-
27 drainage areas and resulting runoff within the limits of the preliminary plat.

28 (3) Directional flow arrows for surface drainage along all lot lines where:

29 (i) The flow from one acre or more discharges along a common
30 lot line; and

31 (ii) The finished grade of the lot is proposed to be two percent or
32 less.

33 The drainage study map shall provide sufficiently detailed information to determine the
34 proposed slope along all lot lines.

35 (4) The size and location of the pipes, ditch liners, and other drainage
36 facilities required to adequately drain the subdivision.

37 (5) A copy of the drainage computations.

38 (6) The elevation and limits of a flood from a 100-year storm along and
39 adjacent to all open drainage channels.

40 (7) The elevation and limits of flow routes necessary to provide overland
41 runoff capacity through and along the storm drain system for the 100-year storm without
42 flooding building areas.

43 (8) The elevations of any building or structure along flow routes indicating
44 that no opening in the building or structure is subject to flooding at the post development
45 flow route elevations.

1 **26.15.030 Additional Required Information.**

2 Accompanying the preliminary plat submittal, the following information shall be
3 submitted in a state-ment from the subdivider:

4 (a) Any interest the subdivider has in the land surrounding the preliminary plat
5 and the nature of such interest;

6 (b) All requests to be submitted to the city for use permits, special use permits,
7 planned unit developments, changes of zone, and vacations which are required to
8 complete the development;

9 (c) The name, telephone number, and mailing address of the subdivider, any
10 other person the subdivider may want informed of the preliminary plat process, and any
11 person authorized to act on the subdivider's behalf;

12 (d) All deviations from this title and the adopted design standards shall be set
13 forth, reasons given for each deviation, reasons given on how the proposal meets the
14 intent of this title, and why the proposal should be accepted. (Ord. 13956 §13; September
15 17, 1984; prior Ord. 13157 §36; June 29,
16 1981).

17
18 **26.15.040 Development Within Flood Plain.**

19 The following additional information shall be included with the preliminary plat if any
20 part of the subdivision is within the flood plain:

21 (a) All hydrological and grade information in NAVD 1988, including base flood
22 elevation data within Zone A (no base flood elevations determined), which is necessary to
23 determine the frequency and extent that the subdivision is subject to inundation by flood
24 water, except that this shall not apply where the use of the property is not being changed
25 and where there are no physical changes on the site which have the potential to increase
26 the flood hazard. When utilizing NGVD based flood elevations from FEMA floodplain maps,
27 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate
28 conversion factor using an established conversion program is demonstrated to the
29 satisfaction of the Director of Public Works and Utilities. Notwithstanding the above,
30 hydrological and grade information included with a preliminary plat submitted before March
31 1, 2000 may be in either city datum or NAVD 1988.

32 (b) The type and extent of the proposed use or development of the land which
33 is located within the flood plain, along with such information as is necessary to determine
34 the effect flood waters will have on such development and use and the effect such
35 development and use may have upon the flood waters. All such information shall show the
36 location of the proposed use, areas of habitation and employment, including the location,
37 size, and floor elevation of any structures, the location and elevation of all parking areas,
38 and the use, location, and elevations of all open land areas.

39 (c) All plans and other information required herein shall conform to the
40 development standards of this title.

41 (d) The limits of the 100-year flood plain.

42 (e) The amount of fill material brought into the flood plain from outside the flood
43 plain. If fill is from within the flood plain, give the location of the borrow area.

44 (f) Should proposed grading occur in the regulatory floodway, a certification by
45 a professional engineer or hydrologist demonstrating the grading will not result in any
46 increase in the flood level during the occurrence of the base flood discharge. (Ord. 17904

1 §3; August 20, 2001: prior Ord. 17584 § 3; December 20, 1999: Ord. 14565 §16;
2 December 15, 1986: Ord. 13157 §37; June 29, 1981).

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Chapter 26.19

FINAL PLAT

Sections:

- 26.19.010 Form of Final Plat.**
- 26.19.020 Certificates and Acknowledgments on Final Plat.**
- 26.19.031 Data Required on Final Plat.**
- 26.19.035 Additional Information Required.**
- 26.19.041 Survey Requirements.**

26.19.010 Form of Final Plat.

(a) The size of each sheet of said final plat shall be sixteen by twenty-two inches. All lots and, wherever practicable, blocks in their entirety, shall be shown on one sheet.

(b) Said final plat shall be accurately, clearly, and legibly drawn in black waterproof India ink or photographed upon tracing cloth or mylar which is a minimum of three thousandths (.003) of an inch thick or its equivalent. Affidavits, certificates, and acknowledgments shall be legibly lettered or printed upon the final plat with opaque ink. Signatures shall be in black opaque ink.

(c) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of at least one-half inch.

(d) The final plat shall be drawn to one of the following scales: 1 inch equals 20 feet, 1 inch equals 30 feet, 1 inch equals 40 feet, 1 inch equals 50 feet, 1 inch equals 60 feet, 1 inch equals 100 feet, or any other scale proposed by the subdivider with the approval of the Planning Director. The scale selected shall be sufficient to show all required information clearly, and enough sheets shall be used to accomplish this end.

(e) If more than one sheet is used, the particular number of the sheet and the total number of sheets comprising the final plat shall be stated on each of the sheets; and the relationship to each adjoining sheet shall be clearly shown. If more than two sheets are used, an index sheet the same size as required above shall be included showing, at whatever scale is necessary, the entire subdivision with an indication by the use of dotted lines of the component areas which are shown on the other sheets.

(f) The boundary of the subdivision shall be clearly identified on the final plat. All lines shown on the final plat which do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines shall be labeled, "not a part of this subdivision." (Ord. 16282 §1; December 14, 1992; prior Ord. 14565 §17; December 15, 1986; Ord. 13157 §38; June 29, 1981).

26.19.020 Certificates and Acknowledgments on Final Plat.

The final plat shall show the following:

- (a) Owners' acknowledgment and offer of dedication, if any;

- 1 (b) Certificate of the surveyor;
2 (c) Certificate of approval by the Planning Commission and acceptance of the
3 offer of dedication;
4 (d) All affidavits, certificates, acknowledgments, endorsements, dedications, and
5 notarial seals as are required by law and the provisions of this title, shall be as approved
6 by the City Attorney. (Ord. 16431 §10; July 26, 1993; prior Ord. 13157 §39; June 29, 1981;
7 Ord. 11370 §1; May 19, 1975).
8

9 **26.19.031 Data Required on a Final Plat.**

10 (a) The final plat shall be accurately and legibly drawn and shall show the
11 following:

12 (1) All survey and mathematical information with sufficient linear, angular,
13 and curve data necessary to locate all existing and placed monuments and stakes, and to
14 locate and retrace all lots, blocks, and parcels within the subdivision, and the boundary of
15 the subdivision. Where the land being subdivided abuts on an existing plat, the distances,
16 angles, and bearing of all common lines and the street centerline points shall be shown
17 and any differences in measurements so noted.

18 (2) All dimensions on the final plat shall be to the nearest one-hundredth
19 (.01) of a foot with such other information necessary to reproduce the final plat on the
20 ground.

21 (3) Lot, outlot, and block lines. All such lines shall be shown and
22 dimensioned.

23 (i) Where such lines are curved at street intersections, the length
24 of tangents shall be shown.

25 (ii) Where such lines abut curvilinear streets, chord or arc
26 distances shall be shown and noted.

27 (iii) All angles of deflection or bearings of such lines other than
28 those which are at right angles to the centerline of a street or on a radial line of a curved
29 street.

30 (4) Lot, outlot, and block identity. Within each block all lots shall be
31 numbered in sequence, beginning with the number one and continuing consecutively
32 throughout each block with no omission or duplication. All blocks shall be numbered in the
33 same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A"
34 and continuing consecutively through the alphabet.

35 (5) Areas to be dedicated or reserved for public use. For streets, private
36 roadways, and other public ways within and adjacent to the subdivision, the location, name,
37 centerline, centerline radius, length, and interior angle of horizontal curves, tangent length,
38 and width. All areas shall be located and identified which are to be dedicated or reserved
39 for public use, including park land and other public areas. All such parcels shall be outlots
40 except streets dedicated to the public. A clear distinction shall be made as to which
41 parcels are to be dedicated to the public from those parcels to be privately owned but
42 reserved for public use.

43 (6) Location, width, and purpose of all required easements for storm
44 drains, wastewater collectors, water mains, other public utilities, and other easements for
45 public use.

(7) The location and identification of all section corners, section lines, monuments and stakes found and placed. The boundary lines shall be located in reference to existing official monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries of the subdivision.

(8) The number of acres, the total number of lots and outlots within the subdivision, and the lot area in square feet for each lot and outlot.

(b) The following data shall be shown on each sheet of the final plat:

(1) The name of the subdivision. The use of first (1st), second (2nd), third (3rd), etc., for additions or subdivisions shall be made in sequence but only if the final plat is located adjacent to a plat with the same name.

(2) Scale.

(3) North arrow.

(4) Sheet number and the total number of sheets comprising the final plat. (Ord. 16980 §1; May 6, 1996; prior Ord. 13157 §40; June 29, 1981).

26.19.035 Additional Information Required.

Accompanying the final plat submittal, the following information shall be submitted:

(a) A statement from the subdivider indicating:

(1) Any interest the subdivider has in the land surrounding the final plat and the nature of such interest.

(2) All requests to be submitted to the city for use permits, special use permits, planned unit developments, changes of zone, and vacations which are required to complete the development.

(3) The name, telephone number, mailing address of the subdivider, record owner, and any other person the subdivider may want informed of the final plat process, and any person who has the authorization to act on behalf of the subdivider.

(b) Street profiles that show existing ground surface elevations based on a current field survey, the curb grades, and the lengths of all vertical curves of the streets within the final plat which are to be dedicated to the public. The grades shall be in accordance with the minimum standards of the city and, upon acceptance by the city, shall become the official established grades.

(c) The proposed species and location of trees for each street and private roadway within and adjacent to the subdivision, including the common and botanical name, size at planting, method of handling, and the quantity of each species.

(d) The proposed location, design, and materials used in all required landscape screens.

(Ord. 13956 §14; September 17, 1984; prior Ord. 13157 §41; June 29, 1981).

26.19.041 Survey Requirements.

(a) A land survey is required to support data furnished on the final plat, and this survey shall conform to all requirements set forth in this section. The survey shall tie into the state plan coordinate system. All angles and dimensions shown on the plat shall be field measured. The survey of the centerline of all streets within the plat and the periphery of the plat shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). The final plat shall include a certificate signed by a registered land

1 surveyor certifying that he has accurately surveyed the subdivision and attesting to the
2 accuracy of the survey, the correct location of all permanent survey monuments shown,
3 and that the lots, block, streets, alleys, public ways and grounds are staked and marked
4 as herein required. The surveyor's certificate shall include a metes and bounds traverse
5 description of the land being subdivided and the number of acres included. The surveyor's
6 name, land surveying registration number, address, and if applicable, firm name shall
7 appear below his signature; however, the letters of the firm name shall be no larger than
8 those used within the surveyor's certificate and shall not appear elsewhere on the final plat.

9 (b) The land surveyor who performs the survey and certifies the final plat shall
10 be obligated to place all of the following monuments and stakes in the subdivision and
11 show the same on the final plat:

12 (1) A permanent monument at each of the final plat corners of the
13 periphery of the subdivision.

14 (2) A permanent monument on the centerline of each street within the
15 final plat or abutting thereon, at each street intersection, at the intersection of each street
16 and railroad right-of-way, and at each point of tangency and curvature.

17 (3) A permanent metal stake shall be installed designating lot corners and
18 block corners within the subdivision. However, to facilitate grading and installation of
19 utilities, the surveyor may be relieved temporarily from placing permanent metal stakes
20 designating lot and block corners and may be allowed to initially place temporary metal
21 stakes to designate all block corners, points of tangency and curvature along the periphery
22 of each block, and the centerline of proposed water main, wastewater collector, and storm
23 drain easements upon the following terms and conditions:

24 (i) That the subdivider file a bond with the city in an amount and
25 form approved by the city attorney to ensure compliance with the permanent staking
26 requirements of this section.

27 (ii) That the subdivider enter into an agreement with the city that
28 all the permanent staking requirements of this section shall be met prior to the construction
29 on or the conveyance of any lot shown on the final plat.

30 (4) Should conditions exist that prohibit the placing of monuments and
31 stakes on the line or if necessary building construction would remove the monument or
32 stake, off-set marking may be permitted; provided, however, that the exact off-set courses
33 and distances are shown on the final plat.

34 (c) The length, size, material, and approximate depth of all monuments and
35 metal stakes placed in making the survey shall be designated by the Department of Public
36 Works and Utilities. (Ord. 16950 §11; March 11, 1996: prior Ord. 14565 §18; December
37 15, 1986: Ord. 13956 §15; September 17, 1984: Ord. 13157 §42; June 29, 1981).

**Chapter 26.33
FEES**

Sections:

- 26.33.010 General Regulations.**
- ~~**26.33.020 Administrative Final Plat Fee.**~~
- 26.33.030 Preliminary Plat Fee.**
- 26.33.040 Final Plat Fee.**
- 26.33.050 Corrected Final Plat Fee.**
- 26.33.060 Vacated Final Plat Fee.**
- 26.33.070 Request to Amend the Conditions of an Approved Final Plat; Fee.**
- 26.33.080 Exemption for City Filing on Its Own Behalf.**
- 26.33.090 Changes in Text; Fee.**
- 26.33.100 General Fees.**
- 26.33.110 Waivers and Appeals; Fees.**
- 26.33.120 Street Name Change Fees.**
- 26.33.130 Postponement Fee.**

26.33.010 General Regulations.

The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the City Council or other appropriate authority. (Ord. 17917 §5; October 1, 2001).

~~**26.33.020 Administrative Final Plat Fee.**~~

~~The following fees shall be charged at the time of filing an application for an administrative final plat:~~

- ~~(a) Filing fee of \$100.00;~~
- ~~(b) Unit fee of \$20.00 per lot;~~
- ~~(c) Notification fee of \$100.00 if the subdivider is also requesting a modification of the requirements for subdivision approval. (Ord. 17917 §6; October 1, 2001).~~

26.33.030 Preliminary Plat Fee.

The following fees shall be charged at the time of filing an application for a preliminary final plat:

- (a) Filing fee of ~~\$400.00;~~ \$600.00;
- (b) Unit fee of ~~\$40.00~~ \$50.00 per lot to a maximum unit fee of ~~\$2,000.00;~~ \$2,500.00.
- ~~(c) Notification fee of \$100.00.~~

(Ord. 17917 §7; October 1, 2001).

1 **26.33.040 Final Plat Fee.**

2 The following fees shall be charged at the time of filing an application for a final plat:

3 (a) Filing fee of \$125.00 ~~\$100.00~~;

4 (b) Unit fee of \$20.00 ~~\$10.00~~ per lot to a maximum unit fee of \$2,000.00
5 ~~\$1,000.00~~;

6 (c) ~~Notification fee of \$100.00 if the subdivider is also requesting a waiver or~~
7 ~~modification of the requirements for subdivision approval.~~

8 (Ord. 17917 §7; October 1, 2001).

9
10 **26.33.050 Corrected Final Plat Fee.**

11 A filing fee of ~~\$100.00~~ \$125.00 shall be charged at the time of filing an application
12 for a corrected final plat; or to file an affidavit to correct a drafting error on an approved
13 final plat. (Ord. 17917 §8; October 1, 2001).

14
15 **26.33.060 Vacated Final Plat Fee.**

16 ~~A filing~~ The following fees of \$250.00 shall be charged at the time of filing an
17 application to vacate a final plat;:

18 (a) ~~Filing fee of \$100.00;~~

19 (b) ~~Notification fee of \$100.00.~~

20 (Ord. 17917 §9; October 1, 2001).

21
22 **26.33.070 Request to Amend the Conditions of an Approved Final Plat; Fee.**

23 ~~A filing~~ The following fees of \$250.00 shall be charged at the time of filing an
24 application for a request to amend the conditions of approval for an approved final plat;

25 (a) ~~Filing fee of \$100.00;~~

26 (b) ~~Notification fee of \$100.00.~~

27 (Ord. 17917 §10; October 1, 2001).

28
29 **26.33.080 Exemption for City Filing on Its Own Behalf.**

30 No fee shall be required when any action is taken ~~recommended~~ by the City Council
31 on its own motion or by any person or group officially designated to participate in the
32 administration of this title. (Ord. 17917 §11; October 1, 2001).

33
34 **26.33.090 Changes in Text; Fee.**

35 The filing fee for an application for a change of text in Title 26 of the Lincoln
36 Municipal Code shall be ~~\$195.00~~ \$250.00. (Ord. 17917 §12; October 1, 2001).

37
38 **26.33.100 General Fees.**

39 The filing fee for an application in connection with Title 26 of the Lincoln Municipal
40 Code not otherwise covered by this chapter shall be ~~\$195.00~~ \$250.00. (Ord. 17917 §13;
41 October 1, 2001).

1 **26.33.110 Waivers and Appeals: Fees.**

2 The filing fee to waive and/or modify one or more ordinance requirements, design
3 standards or to appeal one or more conditions of approval to a higher level of authority,
4 shall be \$125.00.

5
6 **26.33.120 Street Name Change Fees.**

7 The filing for an application for a street name change shall be \$250.00.

8
9 **26.33.130 Postponment Fee.**

10 A fee of \$125.00 shall be charged at the time of filing an application that requires
11 any additional legal notice.

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27.27.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the O-3 Office Park District if a ~~combined use permit~~ and special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Restaurants;
- (d) Medical testing laboratories;
- (e) Recreational facilities;
- (f) Clubs;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum height;
- (h) Broadcast towers;
- (i) Public utility purposes;
- (j) Wind energy conversion systems;
- (k) Health care facilities;
- (l) Motels and hotels;
- (m) Private schools;
- (n) Outdoor seasonal sales;
- (o) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.27.025;
- (p) Mail order catalog sales
- (q) Sale of alcoholic beverages for consumption on the premises in restaurants, provided the locational requirements of Section 27.63.680 have been met or waived by the City Council. (Ord. 17320 §1; April 20, 1998; prior Ord. 16870 §1; October 2, 1995; Ord. 16854 §26; August 14, 1995; Ord. 16616 §1; June 6, 1994; Ord. 16144 §3; July 6, 1992; Ord. 15368 §12; December 18, 1989; Ord. 14123 as amended by Ord. 14138 §1; July 1, 1985; Ord. 13980 §10; October 29, 1984; Ord. 13941 §12; September 4, 1984; Ord. 13901 §1; July 30, 1984; Ord. 13768 §2; February 21, 1984; Ord. 12978 §13; August 25, 1980; Ord. 12878 §1; March 31, 1980; Ord. 12894 §14; April 15, 1980; Ord. 12571 §156a; May 8, 1979).

1 **27.28.040 Permitted Special Uses.**

2 A building or premises may be used for the following purposes in the R-T
3 Residential Transition District if a ~~combined use permit~~ and special permit for such use has
4 been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- 5 (a) Expansion of nonconforming uses;
- 6 (b) Historic preservation;
- 7 (c) Medical testing laboratories;
- 8 (d) Public utility purposes;
- 9 (e) Private schools
- 10 (f) Early childhood care facilities with sixteen or more children, or with fifteen or
11 fewer children not meeting the specified conditions for a permitted conditional use under
12 Section 27.28.030;
- 13 (g) Broadcast towers. (Ord. 17070 §1; October 7, 1996: prior Ord. 16854 §28;
14 August 14, 1995: Ord. 16606 §2; May 9, 1994: Ord. 15317 §4; October 16, 1989).

1 **27.31.050 Permitted Special Uses.**

2 A building or premises may be used for the following purposes in the B-2 Planned
3 Neighborhood Business District if a ~~combined use permit~~ and special permit for such use
4 has been obtained in conformance with the requirements of this chapter and Chapter
5 27.63:

- 6 (a) Health care facilities;
- 7 (b) Recreational facilities;
- 8 (c) Broadcast towers;
- 9 (d) Extraction of sand, gravel, and soil;
- 10 (e) Church steeples, towers, and ornamental spires which exceed the maximum
11 height permitted in the B-2 Planned Neighborhood Business District;
- 12 (f) Expansion of nonconforming uses;
- 13 (g) Historic preservation;
- 14 (h) Public utility purposes;
- 15 (i) Wind energy conversion systems;
- 16 (j) Cemeteries;
- 17 (k) Mail order catalog sales. (Ord. 16144 §5; July 6, 1992: prior Ord. 14378 §10;
18 May 5, 1986: Ord. 14138 §10; June 1, 1985: Ord. 12978 §15; August 25, 1980: Ord. 12894
19 §18; April 7, 1980: Ord. 12571 §169; May 8, 1979).

1 **27.37.030 Permitted Special Uses.**

2 A building or premises may be used for the following purposes in the B-5 Planned
3 Regional Business District if a ~~combined use permit~~ and special permit for such use has
4 been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- 5 (a) Historic preservation;
6 (b) Public utility purposes;
7 (c) Wind energy conversion systems;
8 (d) Theaters;
9 (e) Broadcast towers. (Ord. 17070 §2; October 7, 1996; prior Ord. 16075 §2;
10 March 16, 1992; Ord. 14774 §2; October 19, 1987; Ord. 14138 §3; July 1, 1985; Ord.
11 14050 §1; February 11, 1985; Ord. 12978 §18; August 25, 1980; Ord. 12894 §18; April 15,
12 1980; Ord. 12571 §222; May 8, 1979).

1 **27.68.090 Application Requirements.**

2 (a) ~~Pre-Application Conference and Fees.~~ Prior to the acceptance of an application
3 by the City, applicants shall participate in a pre-application conference for the purposes of
4 discussing application requirements, specifics of the site, plans for current and future
5 facilities, ~~and establishing the application fee. The purpose of establishing the application~~
6 ~~fee is to ensure the recovery of City costs and expenses associated with the review of the~~
7 ~~application including, but not limited to, actual costs of City staff time and resources as well~~
8 ~~as any outside consultation expenses which the City reasonably determines are necessary~~
9 ~~to adequately review and analyze the application.~~

10 ~~In lieu of the requirements of Section 27.80.060, the application fee shall be a~~
11 ~~minimum of \$1,000. The City shall apply such fee against all costs associated with its~~
12 ~~evaluation of any pending application. In the event that total costs are in excess of the fee,~~
13 ~~the applicant shall, upon notice from the City, pay such costs. In the event that total costs~~
14 ~~are less than the fee, the City shall refund a portion of the fee to the applicant.~~

15 (b) Applications for either an administrative permit or a special permit for a personal
16 wireless facility shall be filed with the Planning Director and shall include the following:

17 (1) A plot plan of the lot and the proposed uses drawn to an accurate
18 scale and showing all pertinent information. The application material shall provide sufficient
19 information, as determined by the Planning Director, to allow a complete review of the
20 proposal. The application material shall also include sufficient detail to indicate compliance
21 with design standards. Failure to provide adequate information may result in the rejection
22 of the application.

23 (2) A statement identifying which location preference, identified in Section
24 27.68.080, the proposed facility is meeting. If the proposed location is not a preferred
25 location site, describe:

26 (i) Whether any preferred location sites are located within the
27 service area of the proposed personal wireless service facility;

28 (ii) What good faith efforts and measures were taken to investigate
29 each of these preferred location sites and why such efforts were unsuccessful;

30 (iii) Why the use of a preferred location site is not technologically,
31 legally or economically feasible;

32 (iv) How and why the proposed site is required to meet service
33 demands for the proposed facility and citywide network; and

34 (vi) The distance between the proposed facility and the nearest
35 residential unit and residentially zoned properties.

36 (3) A description of the security barrier surrounding the base of the tower
37 and accessory equipment. The description should include the method of fencing, finished
38 color and, if applicable, the method of camouflage and illumination. Access shall be
39 through a locked gate. The tower shall either have no climbing devices attached to the
40 lower twenty feet of the tower or shall be fitted with anti-climbing devices.

41 (4) A statement indicating proposed measures designed to minimize
42 potentially adverse visual effects on adjacent properties with consideration given to design,
43 unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of
44 artificial light and coloring provisions;

- 1 (5) Provide a description of the anticipated maintenance and monitoring
2 program for the antennae and back up equipment, including frequency of maintenance
3 services.
4 (6) Provide copies of any environmental documents required by any
5 federal agency. (Ord. 17588 §9; January 18, 2000).

**Chapter 27.80
FEES**

Sections:

- 27.80.010 General Regulations.**
- 27.80.020 Change of Zone.**
- 27.80.025 Planned Unit Development.**
- 27.80.030 Use Permits.**
- 27.80.040 Community Unit Plan: or Mobile Home Court/Mobile Home Subdivision**
- ~~**27.80.050 Mobile Home Courts and Mobile Home Subdivisions.**~~
- 27.80.060 Special Permit.**
- 27.80.070 Administrative Amendments.**
- 27.80.080 Board of Zoning Appeals.**
- 27.80.090 Airport Zoning.**
- 27.80.100 Parking.**
- 27.80.105 Flood Plain Development Permits.**
- 27.80.110 Changes in Text.**
- ~~**27.80.120 Subdivision Promotion Activity Permits.**~~
- 27.80.125 Postponement Fee.**
- 27.80.130 General Fees.**
- 27.80.140 Exemption for City Filing on Its Own Behalf.**

27.80.010 General Regulations.

The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the City Council or other appropriate authority. (Ord. 12571 §406; May 8, 1979).

27.80.020 Change of Zone.

The following fees shall be charged at the time of filing an application for a change of zone:

- (a) For the filing of an application for a change of zone to the AG, AGR, R-1, R-2, R-3, and R-4 zoning districts:
 - (1) Where the area for which the change of zone is requested is one acre or less, the application fee shall be \$250.00 ~~\$195.00~~;
 - (2) Where the area for which the change of zone is requested is in excess of one acre, the application fee shall be \$370.00 ~~\$290.00~~;
- (b) For the filing of an application for a change of zone to all other zoning districts:
 - (1) Where the area for which the change of zone is requested is one acre or less, the fee shall be \$370.00 ~~\$290.00~~;
 - (2) Where the area for which the change of zone is requested is in excess of one acre, the fee shall be \$740.00 ~~\$585.00~~. (Ord. 17548 § 1; September 7, 1999; prior Ord. 15214 §1; July 10, 1989; Ord. 12571 §407; May 8, 1979).

1 **27.80.025 Planned Unit Development.**

2 The following filing fees shall be charged at time of filing for an application for a
3 planned unit development shall be as follows:

4 ~~(a) — For the filing of a pre-application, \$100.00.~~

5 ~~(a)(b) For the filing of a preliminary plan, \$500.00 \$400.00.~~

6 ~~(b)(c) For the filing of a final plan, \$500.00 \$400.00.~~

7 (Ord. 17548 § 2; September 7, 1999; prior Ord. 15214 §2; July 10, 1989).

8
9 **27.80.030 Use Permits.**

10 (a) ~~An~~ The application fee of \$740.00 shall be ~~\$585.00 for charged at the~~
11 ~~time of filing~~ an application for a use permit in the B-2, B-5, O-3, R-T, and
12 I-3 zoning districts.

13 ~~(b) — The application fee for a combined use permit and permitted special use~~
14 ~~shall be \$975.00.~~

15 (Ord. 17548 § 3; September 7, 1999; prior Ord. 17232 §22; August 18, 1997; Ord. 6789
16 §1; May 8, 1995; Ord. 15214 §3; July 10, 1989; Ord. 14138 §5; July 1, 1985; Ord. 2751
17 §33; November 5, 1970; Ord. 12571 §408; May 8, 1979).

18
19 **27.80.040 Community Unit Plan: or Mobile Home Court/Mobile Home**
20 **Subdivision**

21 The ~~application fee for~~ following fees shall be charged at the time of filing an
22 application for a special permit for a community unit plan as required in Chapter 27.65
23 or for a mobile home court or a mobile home subdivision under Sections 27.63.120 and
24 27.63.125 shall be a

25 ~~(a) Filing fee of \$250.00 \$195.00, plus a~~

26 ~~(b) Unit fee of \$25.00 \$20.00 per dwelling unit to a maximum unit fee of~~
27 ~~\$2,500.00 \$2,000.00.~~

28 Credit shall be given for any unit lot fees paid in connection with subdivision of the
29 community unit plan. (Ord. 17548 § 4; September 7, 1999; prior Ord. 15214 §4; July 10,
30 1989; Ord. 12571 §409; May 8, 1979).

31
32 ~~**27.80.050 — Mobile Home Courts and Mobile Home Subdivisions.**~~

33 ~~The fee for an application for a special permit for a mobile home court or a~~
34 ~~mobile home subdivision under Sections 27.63.120 and 27.63.125 shall be a filing fee~~
35 ~~of \$195.00, plus a unit fee of \$40.00 per mobile home shown on the application to a~~
36 ~~maximum unit fee of \$2,000.00. Credit shall be given for any lot fees paid in connection~~
37 ~~with subdivision of the mobile home subdivision. (Ord. 17548 § 5; September 7, 1999;~~
38 ~~prior Ord. 15214 §5; July 10, 1989; Ord. 12657 §18; August 6, 1979; Ord. 12571 §410;~~
39 ~~May 8, 1979).~~

40
41 **27.80.060 Special Permit.**

42 The following filing fee ~~for~~ shall be charged at time of filing an application for a
43 special permit under Chapter 27.63, other than mobile home courts, mobile home
44 subdivisions, and community unit plans, ~~shall be as follows:~~

45 (a) If the area for which the special permit is requested is one acre or less,